

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS CURTICIAN,)
)
)
Plaintiff,) Civil Action No. 18-281
)
)
v.) Judge Cathy Bissoon
)
)
CORRECT CARE SOLUTIONS, LLC,)
et al.,)
)
Defendants.)

ORDER

Plaintiff's Motions (**Docs. 35 & 38**) for leave to file a second amended complaint are **GRANTED**, as follows. First off, Defendant's suggestion that injunctive relief is not available under the circumstances is plainly unsupported (and, the Court questions why Plaintiff would restrict his request to the professional negligence Count). Second, the Court is persuaded that Plaintiff counsel's recent receipt of the written "hernia policy" justifies allowing Plaintiff to add a claim of deliberate-indifference against CCS. In sum, the Court concludes, for the reasons stated by Plaintiff, that the interests of justice compel a grant of leave to amend. Finally, the Court is mindful that Plaintiff's filing of a second Motion for leave to amend (which, in reality is more akin to a reply brief, accompanied by an additional request for amendment) has allowed him to seek additional amendment, without Defendant enjoying an opportunity to respond. Much as Plaintiff's second Motion is akin to a reply, however, any further argument by Defendant would be akin to a surreply (which is disfavored); and, in any event, the Court does not believe its conclusions herein to be movable.

Accordingly, Plaintiff shall file a second amended complaint, consistent with the contents of this Order, by **November 7, 2018**.

IT IS SO ORDERED.

November 2, 2018

s\Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via ECF email notification):

All Counsel of Record